

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

EDWIN WHITE,
Plaintiff

vs

Case No. 3:02-cv-310
(Rose, J.; Hogan, M.J.)

COMMISSIONER OF SOCIAL
SECURITY,
Defendant

ORDER

This cause came on for consideration on the following:

MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION (Doc. No. 17)

FILED: October 8, 2008

THEREON it is **ORDERED** that the Report and Recommendation is adopted.

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Timothy S. Hogan to whom this case was referred pursuant to 28 U.S.C. Section 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS and AFFIRMS said Report and Recommendation. This Court finds consistent with the Magistrate Judge in that plaintiff’s motion for attorney fees under the Social Security Act, 42 U.S.C. § 406(b)(1)(A) (Doc. 16) be

GRANTED and that counsel be **AWARDED** \$5,300.00 in fees, and that counsel for plaintiff refund the amount of the EAJA fee of \$2,940.00 to the plaintiff.

DONE and **ORDERED** in Dayton, Ohio, this 28th day of October, 2008.

October 28, 2008

***S/THOMAS M. ROSE**

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE